

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN EDWARD GRIFFIN,

Plaintiff

v.

**JEFFREY BEARD; RAYMOND
LAWLER; C. WAKEFIELD; and
TIMOTHY YUTZY,**

Defendants

CIVIL ACTION NO: 1:08-CV-1120

JUDGE SYLVIA H. RAMBO

MEMORANDUM and ORDER

On July 29, 2009, Plaintiff filed yet another motion to compel discovery, (Doc. 109), as well as a separate motion for sanctions and expenses, (Doc. 111). Defendants filed a brief in opposition to these motions on July 30, 2009. (Doc. 112.) The gist of Plaintiff's motions—his seventh and eighth discovery motions filed in this case— is that Defendants refuse to provide him a copy of one page of his medical records unless he pays the fee of \$21.13. In their brief, Defendants state that they have a policy which implements a flat fee structure designed to cover overhead resulting from searching for and retrieving medical records plus a price/per page. Defendants flat fee is \$19.80, and their price per page for the first 20 pages requested is \$1.33. The court does not believe that a flat fee almost 7 times higher than the price per page is reasonable, and will not require Plaintiff to pay it. A fee of \$1.33 per page more than adequately compensates Defendants for the overhead associated with the retrieval of medical records. In fact, it is more than double what this court charges per page for photocopies made by the clerk's office. *See* 28 U.S.C. 1914 note 4 (setting a rate of 50 cents per page

for photocopies). It is unreasonable for Plaintiff to have to pay \$21.13 for one photocopy.

Accordingly, it is **HEREBY ORDERED THAT:**

(1) Plaintiff's motion to compel discovery (Doc. 109) is **GRANTED IN PART** as follow:

(a) Defendants shall provide Plaintiff a photocopy of the single page that he requested of his medical records provided that Plaintiff pays the sum of \$1.33;

(b) Plaintiff's motion to compel discovery is **DENIED** in all other respects.

(2) Plaintiff's motion for sanctions and expenses (Doc. 111) is **DENIED**.

(3) Plaintiff shall refrain from filing any additional discovery motions in this case, discovery is closed. Any additional motions filed by Plaintiff will be handled *sua sponte* by the court, and Defendants need not respond unless ordered to do so.

s/Sylvia H. Rambo
United States District Judge

Dated: July 31, 2009.